

strict courts to appoint new trustees for church property."

And find the same correctly engrossed.
BEATY, Chairman.

ADJOURNMENT.

Pending action on the substitute offered for the amendment to Senate bill No. 82 (see under heading above) the Senate, on motion of Senator James, at 12:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow, Senate bill No. 82 and amendment and substitute going to the table as pending business.

TWENTY-FOURTH DAY.

Senate Chamber,

Austin, Tex., Thursday, Feb. 14, 1901.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Present—19.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Harris of Bexar.	Stafford.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lloyd.	Wilson.
McGee.	Yett.

Absent—7.

Davidson of	Lipscomb.
DeWitt.	Staples.
Goss.	Turner.
Hanger.	Turney.

Absent—Excused.

Johnson.	Odell.
Miller.	Swann.
Neal.	

Senator McGee moved a call of the Senate for the purpose of securing a quorum, which call being duly seconded, the doors were closed and the roll called, the following Senators answering to their names:

* Present—20.

Beaty.	Lloyd.
Davidson of	McGee.
Galveston.	Patterson.
Dibrell.	Potter.
Goss.	Paulus.
Grinnan.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Wayland.

Wheeler.	Yett.
Wilson.	

Absent—6.

Davidson of	Staples.
DeWitt.	Turner.
Hanger.	Turney.
Lipscomb.	

Absent—Excused.

Johnson.	Odell.
Miller.	Swann.
Neal.	

Senator Staples was announced present, and a quorum was also announced present.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Stafford, the same was dispensed with.

PETITIONS AND MEMORIALS.

The Chair laid before the Senate a memorial of citizens of Austin;

Senator Grinnan presented a memorial from the W. C. T. U. of Santa Anna, and

Senator Harris of Hunt presented memorials from citizens of Clinton, Texas, and from the W. C. T. U. of Clinton, Texas,

All asking an amendment to the present local option law.

Read, and referred to Committee on State Affairs.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,

Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 160, being a bill to be entitled "An Act to amend Article 642, Revised Civil Statutes, regarding the purposes for which private corporations may be created, so as to authorize the organization of fruit and vegetable companies,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Acting Chairman.

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 173, being a bill to be entitled "An Act to set apart one-half of the available school fund for 1900-1901 and 1901-1902 in the counties of Harris, Galveston, Wharton, Fort Bend, Brazoria, Matagorda, Waller, Austin and Colorado, situated in the storm stricken district, for the purpose of repairing and rebuilding school houses,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 177, being a bill to be entitled "An Act to amend Article 3978, Title LXXXVI, Section 75, of the Revised Statutes of the State of Texas, relating to diplomas and certificates of certain colleges,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 139, being a bill to be entitled "An Act to amend Article 3917, Revised Statutes, defining the duties of county judges, county, city and town superintendents, county and city treasurers and treasurers of school bonds and other school officers and teachers in the matter of making reports to the Department of Education, and imposing penalties for the non-performance of these duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 142, being a bill to be entitled "An Act to provide for the organization, control, management and active operation of the Southwest Texas Normal School, located at San Marcos, Hays county, Texas; the control and improvement of the grounds belonging to the same; the erection of the necessary buildings for said school, furniture for the same, water, lighting and heating for said buildings, and appropriating money for those purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 136, being a bill to be entitled "An Act for the extension of the corporate limits of any town or village incorporated for free school purposes only,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

PAULUS, Chairman.

BILLS AND RESOLUTIONS.

By Senator Stafford:

Senate bill No. 188, A bill to be entitled "An Act to amend Article 1383, Chapter 19, Title XXX, of the Revised Statutes, adopted in 1895, so as to authorize and provide for appeals to the courts of civil appeals from interlocutory orders granting or dissolving injunctions."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lloyd:

Senate bill No. 189, A bill to be entitled "An Act to amend Article 2958 (2842), Title LV, Chapter 1, Revised Civil Statutes, 1895, of the State of Texas, relating to marriage licenses."

Read first time, and referred to Judiciary Committee No. 1.

The Chair then declared the morning call concluded.

SENATE BILL NO. 82—PENDING
BUSINESS—ON ENGROSS-
MENT.

The Chair here laid before the Senate pending business, on its passage to engrossment,

Senate bill No. 82, A bill to be entitled "An Act to amend Section 2, of Article 3974, of the Revised Civil Statutes of the State of Texas, relating to the issuance of first grade teachers' certificates."

SENATE BILL NO. 29—ON ENGROSS-
MENT.

Pending action on Senate bill No. 82, Senator Harris of Hunt moved the suspension of pending business for the purpose of calling up from the table Senate bill No. 29.

Pending business was suspended, and the Chair laid before the Senate, on passage to engrossment,

Senate bill No. 29, A bill to be entitled "An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences."

Senator Harris of Hunt offered the following amendment:

"Amend Section 9 by adding after the word 'State,' in line 29: 'Provided, that should the Board of Regents be of opinion from all the facts and circumstances that it would best subserve the interest of said industrial institution and college for girls, as well as the interest of any established institution of learning of the State, to make the girls' industrial college herein provided for a part of such other established institution, they are fully authorized to do so; and in the event of such action then the entire management of the combined colleges shall be committed to the Board of Regents, trustees or directors of the college to which the girls' industrial college may be attached, and the Board of Regents hereinbefore provided for shall be relieved from further responsibility in the premises, and their offices cease to exist from and after said action combining the two institutions; provided, also, that should there be established with an appropriation a State normal school or college at San Marcos, before the Board of Regents herein provided for shall have decided upon or selected a location for the girls industrial college, said Board may, if deemed advisable in view of the interests of the two institutions, combine them in like manner as provided for, making the said girls' industrial college a part of an existing State educational institution.'"

Amendment was read, and

Senator Potter offered the following amendment to the amendment:

"Amend the amendment by adding thereto the following: 'Provided, that such regents shall also take into consideration the relative expense to the State of establishing and maintaining such industrial school in connection with an established school or college, or creating and maintaining a separate school for girls as provided by this act.'"

Amendment to the amendment was read, and adopted.

Amendment as amended was adopted.

Pending further consideration of the bill, the same was, on motion of Senator Stafford, postponed until next Wednesday, February 20th, and made a special order at the conclusion of the morning call.

SENATE BILL NO. 77—ON SECOND
READING.

On motion of Senator Staples, the pending business (Senate bill No. 82) was suspended and the Senate took up out of its order

Senate bill No. 77, A bill to be entitled "An Act providing for the protection of laboring men, and prescribing a penalty for a breach thereof."

The Chair then laid the bill before the Senate, on its second reading, question being action on the following committee amendment:

"Amend Section 3 so as to read as follows:

"Section 3. Any person or corporation violating any of the provisions of Section 1 shall upon conviction be punished by a fine not less than one thousand dollars, or imprisonment in the penitentiary for any term not less than two and not more than five years.'"

Bill was read second time, and the foregoing committee amendment was lost by the following vote:

Yeas—6.

Dibrell.	Stafford.
Hanger.	Staples.
Patterson.	Wilson.

Nays—14.

Beaty.	McGee.
Goss.	Paulus.
Grinnan.	Potter.
Harris of Bexar.	Savage.
Harris of Hunt.	Sebastian.
Lipscomb.	Wheeler.
Lloyd.	Yett.

Present—Not voting.

Wayland.

Absent.

Davidson of James.
DeWitt. Turner.
Davidson of Turney.
Galveston.

Absent—Excused.

Johnson. Odell.
Miller. Swann.
Neal.

Senator Staples offered the following amendment:

"Amend in line 29, printed bill, by striking out the word 'fifty' and insert in lieu thereof the words 'five hundred.'"

Amendment was read, and lost.

FIRST HOUSE MESSAGE.

The following House message was delivered to the Senate:

Hall of the House of Representatives.
Austin, Texas, February 14, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 9, A bill to be entitled "An Act to amend Article 3905, Chapter 7, Title LXXXVI, of the Revised Civil Statutes of the State of Texas."

Also Senate bill No. 118, A bill to be entitled "An Act to authorize the sale and release of all the interest which the State of Texas, or the Confederate Home situated in the city of Austin, or either of them, acquired under the last will of J. E. Allen, deceased, late of Hunt county, Texas, to certain lands situated in said county, Texas."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN THE SENATE.

The foregoing reported House bill was read, and referred as follows:

House bill No. 9, referred to Committee on Education.

HOUSE BILL NO. 4—SPECIAL ORDER FOR 11 A. M.

The Chair here announced the hour of 11 o'clock a. m., the time set for the consideration of

House bill No. 4, A bill to be entitled "An Act to amend Chapter 153, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to prohibit the taking of fish from the fresh waters

and streams of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof,' by exempting the county of Cherokee and other counties from the provisions of this act."

Pending business (Senate bill No. 77) going to the table,

The Chair then laid House bill No. 4 before the Senate, on its passage to a third reading, and

Senator Lloyd offered the following amendment:

"Amend page 3 of the printed bill by striking out all in line 3, down to and inclusive of line 13."

Amendment was read, and adopted, and

Senator Lloyd offered the following amendment:

"Amend by adding Angélica after Denton."

Amendment was read, and adopted.

HOUSE BILL NO. 4—VOTE ON AMENDMENT RECONSIDERED.

Senator Yett moved to reconsider the vote by which the Senate on yesterday adopted the following amendment:

"Amend by striking out 'Williamson and Burnet counties.'"

Motion to reconsider prevailed, and

Senator Yett withdrew the amendment.

Senator Yett offered the following amendment:

"Amend by striking out Williamson county."

Amendment was read, and adopted.

Senator Davidson of Galveston offered the following amendment:

"Amend by exempting Galveston, Brazoria, Wharton and Chambers counties."

Amendment was read, and adopted, and

The bill was passed to a third reading.

On motion of Senator Lloyd, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Lipscomb.
Davidson of	Lloyd.
Galveston.	McGee.
Dibrell.	Patterson.
Goss.	Paulus.
Grinnan.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Staples.
James.	Wayland.

Wheeler. Yett.
Wilson.

Absent.

Davidson of Turner.
DeWitt. Turney.

Stafford. Absent—Excused.

Johnson. Odell.
Miller. Swann.
Neal.

(Senator Potter in the chair.)

Bill was read third time, and passed by the following vote:

Yeas—22.

Beaty. Patterson.
Davidson of Paulus.
Galveston. Potter.
Goss. Savage.
Grinnan. Sebastian.
Hanger. Stafford.
Harris of Bexar. Staples.
Harris of Hunt. Wayland.
James. Wheeler.
Lipscomb. Wilson.
Lloyd. Yett.
McGee.

Absent.

Davidson of Turner.
DeWitt. Turney.

Dibrell.

Absent—Excused.

Johnson. Odell.
Miller. Swann.
Neal.

Senator Lloyd moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 77—PENDING BUSINESS ON ENGROSSMENT.

The special order of business having been disposed of, the Senate resumed consideration of the pending business, Senate bill No. 77 (see caption above).

Senator Dibrell offered the following amendment:

“Amend the bill by adding after the word ‘society,’ in line 20, Section 1, the following: ‘And it shall be unlawful for any mechanic, miner, engineer, fireman, switchman, baggageman, conductor, telegraph or telephone operator, laborer or other workingman, or any other person, to in any manner interfere, by act of violence or by offensive words, or by ridicule, with any such laborer, workman or person in the performance of any lawful pursuit, or to in any manner in-

14—Senate.

terfere with the property of any other person or corporation in this State, and any person who shall violate this provision shall be punished as herein provided for persons and corporations violating the other provisions of this act.’”

Amendment was read, and pending discussion,

(Lieutenant-Governor Browning in the chair.)

SUBSTITUTE HOUSE BILL NO. 102—SIGNED BY THE PRESIDENT.

Pending consideration of the foregoing amendment, the Chair gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read,

Substitute House bill No. 102, “An Act to amend Sections 7 and 8 of ‘An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor,’ passed by the Twenty-sixth Legislature of the State of Texas, approved February 9, 1899; and to repeal an Act of the First Called Session of the Twenty-sixth Legislature on the same subject, approved February 20, 1900, and all other laws in conflict herewith.”

SENATE BILL NO. 77—PENDING BUSINESS.

The Senate again resumed consideration of the pending business, Senate bill No. 77 (see caption above), question being the adoption or the rejection of the amendment offered by Senator Dibrell (see under caption above).

SENATE BILL NO. 65—MOTION TO TAKE UP DEFEATED.

Pending discussion of the amendment to Senate bill No. 77 by Senator Dibrell, Senator McGee moved that pending business (Senate bills Nos. 77 and 82) be suspended, and the Senate take up out of its order

Senate bill No. 65, A bill to be entitled “An Act to amend Chapter 62 of the Acts of the Regular Session of the Twenty-fifth Legislature, being an act to amend Article 838, Chapter 6, Title XVII, of the Penal Code of the State of Texas, defining the crime of burglary.”

Motion to suspend pending business was lost.

ADJOURNMENT—MOTION TO ADJOURN DEFEATED.

Senator Goss moved that the Senate adjourn until 10 a. m. tomorrow.

Motion to adjourn lost.

SENATE BILL NO. 77—PENDING BUSINESS.

The Senate then resumed consideration of pending business, Senate bill No. 77, question being the adoption or the rejection of the amendment offered by Senator Dibrell (see under caption above).

Amendment was then adopted.

SENATE BILL NO. 74—MINORITY COMMITTEE REPORT FILED.

Pending further consideration of Senate bill No. 77,

By unanimous consent, Senator Dibrell submitted the following minority committee report on Senate bill No. 74 (double-header):

Committee Room,

Austin, Texas, February 7, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: A minority of your Committee on Labor, to whom was referred

Senate bill No. 74, known as the "double header" bill,

Is unable to agree with a majority of said committee and beg to present this minority report and recommend as a substitute for the majority report on said bill that the same be referred back to the Railroad Commission of Texas for further and final disposition of the question. In submitting this report in lieu of the majority report, said minority wish to submit the following reasons for such action:

In matters of legislation conservative thought, patriotic motives and the light of experience should be the guide of our actions. No prejudice against or bias in favor of any class, sect or portion of our citizenship should be entertained. All legislation, as much as possible, should effect the entire public alike. It is a safe rule by which to be governed in the making of laws to eschew every act that is aimed at injuring or benefiting a class of capitalists or a class of laborers. No law is either just or expedient that has for its purpose alone, the assistance of a limited class, whether great or humble, rich or poor, laborers or sportsmen, and especially is this true when the practical operation of such law will benefit a few at the expense of the many. The utmost care should be taken to rid our legislation of every tendency to specialty. Most of our laws fraught with folly and iniquity have been laws enacted for the benefit of limited classes. It is difficult to single out one fixed evil in our legislation, whether municipal, State or national, that has not its origin in the enactment of laws having relation to spe-

cial classes and not to the entire public. The bill against which this protest is made is intended to benefit a limited class of employes at the expense of a much larger class of laborers. You can put it down as a fundamental truth, when you hear an individual or a limited class of citizens say, pass this law, for it will benefit us, that it is a benefit given and received at the expense of the balance of the public. It is not the province of the Legislature to help any class of our citizens by the enactment of laws, but to enact such laws as will prevent one class imposing upon another and give every citizen, whether natural or artificial, equal chances.

Nor is it the province of the Legislature to interfere in any manner with the private affairs of the citizens, whether corporate or otherwise, unless the entire public is effected by the act sought to be regulated. This act is an undue interference with the private affairs of the railroads of Texas, and in no manner regulates a practice in which the public is interested. The bill seeks to settle a private contention between a portion of the employes of the railroads of Texas and the managers of such roads. The issue is whether certain employes of the railroads will permit the companies to economize and lessen the operative expenses of the road, or whether the companies should not be required to employ a greater number of hands. The issue in this manner involves a great principle. As a question of State policy, will the Legislature say by solemn enactment that the railroads of Texas shall not use more than one engine to any train of cars? If this can be done, then the same body can prescribe the size of the engine to be used, the capacity of the cars, the number of cars to any one train, the speed of trains, the character of freight to be hauled, and to interfere in the minutest details of the affairs of such corporation. If this interference can be had by the Legislature as to the operating of engines over railroads, the same interference can be exercised in regard to all corporations, whether private or quasi public; and if such power can be exercised with reference to private corporations, it may be exercised as to private individuals. There is no limit as to the exercise of this extraordinary power; and this one stride of paternalistic legislation will be cited as authority for another pernicious step; and one by one, will be the precedents; until the freedom of our citizens will depend entirely upon the caprices of our legislators. From a most careful investigation of this subject, it is thought no good will result

to any one by the passage of this bill, and no evil will be remedied, as none exists in so far as this bill is concerned. The operation of "double-headers" is not extra hazardous, and no unbiased mind, after a careful examination of the question, can hardly think so.

At the Called Session of the Twenty-sixth Legislature, the following act was passed:

Section 1. Where an unreasonable degree of hazard results to its employes, it is hereby declared to be an abuse of its franchise and privileges for any railroad company, or receiver, operating a line of railroad in this State, to run or operate more than one working locomotive at the same time in propelling or moving any one train of cars, except in moving trains up steep grades, or where a locomotive propelling the train becomes temporarily disabled after leaving the terminal; and it shall be the duty of the Railroad Commission to investigate such abuses and see that the same are corrected, regulated or prohibited, as herein-after provided.

Sec. 2. After such investigation, should the Railroad Commission decide to regulate or forbid the practice of using more than one working locomotive in the operation of any train at the same time on any railroad or part of railroad within this State, then it shall be their duty to make and record an order fully setting forth their decision and clearly designating the railroad or part of railroad on which such practice is forbidden or regulated and how regulated. Notice of such order shall be served upon said railroad affected by it. Said notice shall contain in full a copy of said order and shall be directed to the sheriff or any constable of the county where the general offices of such railroad are located, and a copy of the same shall be delivered by the officer executing the same to the president or the vice-president, or the general manager, or the general superintendent, or any general officer of said railroad in this State residing in said county; and said officer executing said writ shall make his return on the original and deliver the same with his return forthwith to the Commission.

Sec. 3. It shall be the duty of such railroad to obey said order and any railroad corporation, or receiver, who shall at any time after such notice shall have been served for ten days violate the order of the Commission shall be liable to the State of Texas for a penalty of not less than \$500 nor more than \$5000 for each offense, and such penalty shall be recovered and suits therefor shall be brought in the name of the State of Texas in the

proper court having jurisdiction thereof in Travis county, Texas, or in any county into or through which such railroad may run, by the Attorney General or under his direction, and such suit shall be subject to the provisions of Article 4577 of the Revised Civil Statutes.

Sec. 3a. Employes of railway companies employed by said companies in the operation of trains within this State, propelled by two or more engines, shall not be held to assume the risk (if any there be) incident to their employment; provided, they be injured while engaged in operation of such trains; and provided further, that such injury was occasioned by reason of the operation of two or more engines on such train instead of one.

This act is still in force, and is all that any reasonable class of citizens can ask. If the practice of double-headers is extra hazardous, those affected have an adequate remedy. The Railroad Commission is still in vogue, and is composed of the representatives of the people of Texas, and would hardly turn a deaf ear to any meritorious appeal within their jurisdiction. After a very careful, thorough and impartial hearing and investigation of the charge against the practice of "double-headers," on the 14th day of May, 1900, the Railroad Commission rendered the following opinion:

OFFICE OF THE RAILROAD COMMISSION OF TEXAS.

Austin, Texas, May 14, 1900.

The Railroad Commission of Texas, acting under the authority of the Act of the Legislature approved the 20th day of February, 1900, entitled "An Act authorizing the Railroad Commission of the State of Texas to investigate into the running and operating by any railroad in this State of more than one locomotive on any one train at the same time, and to authorize them to regulate or forbid such practice either on all or a part of such railroads, and to prescribe a penalty for the violation of the Commission's order; and to define an abuse, and to provide that railway employes shall not be held to assume the risk of injury when engaged in the operation of trains propelled by two or more engines," and having received a number of petitions from railroad conductors, engineers and firemen, requesting such investigation, gave notice of a hearing by the Commission on that question, and having heard and considered the evidence in the case, and having read and considered the written arguments of counsel in favor of and against the

prayer of the petitioners, it is the unanimous opinion of this Commission that the evidence does not show that the use of more than one engine to propel a train of cars causes an unreasonable degree of hazard to the employes on them. They also find from the evidence that there is no more, and perhaps less, danger to such employes on trains propelled by more than one locomotive than on trains propelled by a single engine. They also find from the evidence that there is a decided economy in the cost of transportation in many cases in the use of more than one engine on a train of cars, and that the facilities of transportation are thereby greatly improved; and unless some injury to the public should result from the use of more than one engine on a train of cars, they believe it would be unwise for this Commission to assume to control the management of trains of cars.

The application of the petitioners is not granted.

JOHN H. REAGAN, Chairman;

L. J. STOREY,

ALLISON MAYFIELD,

Commissioners.

Attest:

E. R. MCLEAN, Secretary.

It will not be out of place to say that both sides of this contention were represented by ingenious and able counsel, and no evidence was left out that tended to make the case of the complainants. There was no disadvantage on either side for the lack of counsel who were unfamiliar with the controversy, for the railroads were represented by the same attorneys who appeared before the Senate committee during the Special Session of the Twenty-sixth Legislature, and the labor organizations were represented by the same counsel who were advocating the "double-header" bill as members of the Legislature during the same session.

It is contended, and this is about the only argument that has been urged in favor of this measure, that the bill is endorsed by the Democratic State Convention at Waco. This contention is not true. The bill attempted to be engineered through this Legislature is in violation of the utterances in the plank placed in the Waco platform. As proof of this statement, let us quote the two.

The plank in the Waco platform is as follows:

"We favor the enactment of a law prohibiting the action of double-header trains; that is, two or more locomotives on one train, over any line of railway in this State, except on divisions where

heavy grades necessitate the use of two or more locomotives to handle a reasonable number of cars."

The bill under discussion is as follows:

"Section 1. It shall be unlawful for any corporation, or receiver, operating a line of railroad in the State of Texas to run or operate more than one working locomotive at the same time in propelling or moving any one train of cars; provided, that the provisions of this act shall not apply to the use of an additional locomotive as a helper in moving trains up steep, single and continuous grades, nor to trains where the locomotive propelling the train becomes temporarily disabled after leaving the terminal."

It will be observed that the Waco platform makes an exception on divisions where heavy grades necessitate two or more locomotives to handle a reasonable number of cars. But the present bill limits the use of such locomotives to steep, single and continuous grades. The difference is most material, and to enact this bill into law would be a violation of the Waco plank.

This argument is offered for those who contend that the utterances of our platform must be enacted into law; or, in other words, who think a democratic convention of sufficient deliberative temperament to frame laws for the government of the people of Texas. It is all right to be governed by the law made by democrats, but it is certainly fortunate for the democratic party that all of its convention recommendations for the last ten or twelve years have not been enacted into laws. For the sake of the progress of our State, it is a good thing that many of our platform demands are treated as jokes. If this were not the case industry and thrift would give us a wide berth. What company would invest money in Texas to build a railroad over our mountainous sections, where grades rise and fall and rise again, if it were thought for a moment that a great body of democratic statesmen, assembled in the city of Waco, would in convention seriously and deliberately say to the world we will not suffer the railroads of our State to use more than one locomotive engine to any train of cars unless up a steep and continuous grade. If this proposition were taken as serious by the business world, our party would lose the respect of independent manhood. Why not seriously say, thou shalt not work more than one ass to a cart, except up a steep and continuous grade, or one ox to a plow, except up a steep and contin-

uous grade? Why not prevent the running of more than one gin stand with one engine? Why not interfere in a thousand ways with the private affairs of persons and corporations?

Mr. President, I am a friend to labor, and for this reason oppose this bill. The act is wrong in principle. The friend who will thus violate a fundamental principle of government in favor of labor will, as the tide turns, violate a fundamental principle of government to the injury of labor. It is a wrongful exercise of legislative power to thus cripple a great industry without clear proof of the extraordinary hazard of the practice of using two locomotive engines to one train. The practice has grown out of necessity and economy. Progress in moving the world's commerce is not to be retarded. The civilized world demands cheap rates and rapid transit. The necessities and luxuries of life must be carried across the continent with almost lightning speed. Restless men will brook no delay. Heavy trains must climb hill and mountain as rapidly as over plain and valley. These conditions must be regulated not by law, but by the demands of the age. Those employes who are not willing for any reason to serve the great transportation companies must stand aside and let those serve who will. The Legislature has no right to interfere in this matter. It is a private question, a business proposition, a question to be settled alone by employer and employe. The railroad employes of Texas are, as a class, intelligent and honest, and they need no legislative interference in their private affairs. It is not believed the great body of these employes demand the passage of this bill, but seem to be reconciled with the decision of the Railroad Commission.

DIBRELL, for minority.

COMMITTEE REPORT.

By unanimous consent the following committee report was made to the Senate:

Committee Room,
Austin, Texas, February 13, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 125, being a bill to be entitled "An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of

Texas, and to repeal all laws and parts of laws in conflict therewith,"

And find the same correctly engrossed.
BEATY, Chairman.

ADJOURNMENT.

On motion of Senator James, the Senate, at 12:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow, Senate bills Nos. 77 and 82, respectively, pending.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Tex., Friday, Feb. 15, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—27.

Beaty.	Neal.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnap.	Staples.
Hanger.	Turner.
Harris of Bexar.	Turney.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
McGee.	

Absent—Excused.

Johnson.	Odell.
Miller.	Swann.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

PETITIONS AND MEMORIALS.

The Chair laid before the Senate a memorial from citizens of Houston, praying for an amendment to the local option law with reference to shipments of liquor by express.

Read, and referred to Committee on State Affairs.

Senator Harris of Hunt presented a petition from citizens of Campbell, Hunt county, asking for location of girls' industrial school and offering donation.

Read, and referred to Committee on Educational Affairs.